

# **TRIPLE S BOARD OF ADJUSTMENTS & APPEALS AGENDA**

January 27, 2022

7:00 p.m.

Stratton Community Center

215 Washington Street, Shelbyville, Kentucky

## **CALL TO ORDER**

## **GENERAL BUSINESS**

1. Approval of December 9, 2021 Meeting Minutes
2. Election of Officers

## **OLD BUSINESS**

1. **Variance Request – Docket #955-12-21 – Bulleit Distillery Co. – 3900 Benson Pike, Shelby County, KY.** The variance request is for a 238.7 square feet variance for an existing freestanding sign to be 270.7 square feet instead of the required 32 square feet. The request is from Article XI, Section 1116.b.2 of the Shelby County Zoning Regulations. The property is zoned Agricultural (A).

## **NEW BUSINESS**

1. **Variance Requests – Docket #959-1-22 – Larry K. & Deborah A. Fralick – 69 Zaynate Court (Persimmon Ridge, Section 16, Lot 352), Shelby County, KY.** The request is for a 5 feet side yard setback variance to construct a single-family dwelling 5 feet from the side property line. The request is from Section 652.4 of the Shelby County Zoning Regulations. The property is zoned Agricultural (A).

## **ADJOURN**

**Reminder: Next Regularly Scheduled Meeting of the Triple S Board of Adjustments and Appeals will be March 31, 2022 at 7:00 p.m. in the Stratton Center**

**TRIPLE S BOARD OF ADJUSTMENTS & APPEALS**  
**December 9, 2021**  
**Meeting Minutes**

**Members in Attendance:** Wayne Anderson, Wayne Long, Lisa Bolin, John Hurst, Darren Wills, Joey Budd

**Members Absent:** Doyle Mayton

**Others in Attendance:** Vic Brizendine, Board Attorney, Ryan Libke, Executive Director, Michael Firkins, Planner/Zoning Enforcement

**Call to Order**

Chairman Wayne Anderson called the December 9, 2021 meeting of the Triple S Board of Adjustments and Appeals to order at 7:00 p.m.

**Approval of the October 28, 2021, Minutes**

Mr. Wills made a motion to approve the minutes.

Mr. Hurst seconded the motion.

**Motion Carried (5-0)**

**NEW BUSINESS**

**Docket #955-12-21 – Variance Request – Bulleit Distillery Co. – 3900 Benson Pike, Shelby County, KY**

Chairman Anderson noted there is no one here to present the request so it will be held over until the January 2022 meeting.

**Docket #956-12-21 – Variance Request – John F. & Teresa Stewart – Hempridge Church Road – Waddy, KY**

Will Hagan, engineer, and land surveyor of record for the proposal in front of the board this evening, I am here on behalf of John and Teresa Stewart, the owners of this property on Hempridge Church Road. There are two separate variances. First, I will go over some of the history of the property. It is approximately 14-to-15-acre parcel. and the original legal description that we are going off of was probably done I would say almost a 100 years ago, with that being the case.

The property is really 3 separate parcels right now. There is some acreage on this side of the road and on the other side as well. So, through the years this was the original state road, and in 1959 the state bought the right-of-way for this section further splitting the property years ago this section was surveyed off and sold. And now currently there is 3 separate tracts. With that being the case, our proposal is to create a parcel one of 1.2-acre parcel. Which would fall on the east side of Hempridge Road and the west side of Hempridge Church Road and there is a railroad there on the southern half. That being a natural division in part by that legal deed description, we hope to make it a buildable tract.

Rather than submitting a division plat we wanted to come first with request for variances and if those are approved we would move forward with the division plat.

As you look at our request variances our first request was a 3.76 acre variance, with this parcel being Ag zoned designation, the minimum divisible tract in Ag zoning would be a 5 acre parcel, and as you can see we would be 3.76 acres short of that ten acreage requirement. Additionally, as the parcel lies out there, we would essentially have two front roads, and the front road building line setback would be a 100 feet in Ag zone tract, we would have (2) 100 feet setbacks, one would be here and the second one would be here. Where we put the 70 foot variance to the west and reduce that to 30 feet. We are going to maintain 100 foot setback on the county road. But we would like to see a 70 foot setback on the left side. There are several homes on Hempridge Church Road that would be on parcels less than 5 acres. We feel like this would equal the characteristics of the area, and would be no harm to the property owners in the vicinity.

Mr. Wills asked; the driveway will it come off of Hempridge Road or Hempridge Church Road?

Mr. Hagan answered, it would be Hempridge Church Road is where we anticipate the driveway, but there is a road that comes off Hempridge Road right now that goes up on the property.

Chairman Anderson; answered it is indicated on the plan.

Mr. Hagan answered; yes it is.

Mr. Long what is the determining factor to minimize that to 30 feet?

Mr. Hagan answered; if you look at the property here on the site to build a home, probably right in this corner. For it to be a buildable lot we will probably need that variance.

Mr. Long asked; about the driveway sitting the way it is now?

Mr. Hagan answered; we anticipate the new driveway to come off of Hempridge Church Road, but if it already exists, I do not want to promise something and it might not happen.

Mr. Long answered; I am just trying to get a clarification of that dimension of 30 feet, and the distance, and what was impeding that distance, is the driveway going to be on one end and the house on the other side, because I guess it is more suitable. That is why I was asking about the driveway.

Mr. Hagan answered; we basically did a 50 x 50 house footprint in that location, of course that is a large dimension, but a lot of house floor plans are giving that, and that is how we established where the setbacks probably need to be if they wanted a garage and a house.

Alan Phillips noted; I am here on behalf of myself, my wife, and my son that owns this property right beside this piece of property of this proposal. This is a dangerous place for the little town there of Hempridge, sort of no longer there. That picture they showed the board does not show justice. There is a big hollow that goes through there. If you have to bring that out on Hempridge Church Road, that is really going to be rough. Over on the side where they have to deal with where the house is, He has taken a pitcher along there, and shoved it up on me, and that has been there almost a year, and he has not removed it. He bought this property knowing that these situations exist, and I would liked to have talked to him, before I got this letter from you all, about what maybe we could or could not do. But, right now he would damage my property, by putting this thing in here on any one of those tracts.

Mr. Wills asked; Alan where is your property on this?

Mr. Phillips answered; it should be the little house, it does not show a very good picture.

Mr. Wills asked; you join him up on the upper right hand side of that picture?

Mr. Phillips answered; on this one here, this is all my property.

Mr. Phillips asked; Mr. Hagan, are you surveying the property for Mr. Stewart?

Mr. Hagan answered; we did but, but we did the survey for 1.24 acres.

Mr. Phillips asked; do you realize you knocked the post down that was the marker?

Mr. Hagan answered; I did.

Mr. Phillips; asked are you all going to put that back up?

Mr. Phillips asked; see where the little red line is at?

Mr. Wills asked; the variance isn't going to be actually next to your property? It is just because you touched that property is why you got the letter.

Mr. Phillips answered; Right, what it was many years ago when the railroad came through and Mr. Moffett owned that property, it was back in the 1800 hundreds, but it cut several little farms off like that. The one that Bill Ackers just bought one to add onto his farm. My point is before they came through we had two tracts on the other side of the interstate. This is what is happening here, down there on Bardstown Trail there is a little two acre and a half tract of land, and they sold off one of them, less than 15 acres was cut in 5 tracts. And now Mr. Stewart has bought that, and what his intentions is, I do not have a clue. I feel like that variance right there, he took that fence and he did not have enough room to put his trees and stuff We have one big post there and I was always told that was the line, but he took that out, all of them. Back there where this little barn is, when I had Horace Brown do several years ago, that was just four feet off of that, that barn really should not have been built up that close on my line, and now he wants to add this. It just does not have a enough line there, same way if he tries to go the other way probably would not give him any easements on their property either.

Mr. Wills; asked Ryan can you recall have we ever done a variance that large for a five acre tract?

Mr. Libke answered; I cannot recall, but it is one thing when you got a piece of land and it is whole. This piece, because of the Hempridge Church Road split this farm, and then Hempridge Road split it even further, is what Mr. Hagan has stated. This piece of property that is being shown on this, based on the legal description, it goes across Hempridge Church Road, so, he owns land on one side, but he also owns land on the other side, and owns land on the other side of the railroad. It is all still part of the legal description that is in this deed. So, what they are asking, since it is severed by an existing county road, to be able to sell that part off and not have to retain it for really no use.

Mr. Wills answered; my concern is if we do this and since it is a rare occasion, how many other circumstances are out there are like this. It could be several. I think we are setting a precedent, because zoning was setup for 5 acre tracts and 250 feet. This is a big variance, you would almost have to have a zoning change in order, if it is in a community like that, and they want more little tracts like this is fine, but I think you would have to have a zoning change.

Mr. Libke answered; yes, their other option would be to request an RE zone, which is a one acre lots, on septic tanks and go through that process, which the comprehensive plan is not in agreement with one acre lots in this area in terms for more development, and being able to divide any of the properties even further. Yes, your decision here is does that little remnant or whatever you want to call that little 1.24 acres that is remaining of this larger tract by description, which was done back, as Mr. Hagan says a long time ago, because they were using poles to measure with. Is that a situation where you could grant something of this nature?

Mr. Wills asked; on the other slivers of land, how many acres are on each of those?

Mr. Hagan answered; we did not survey those, eighth of an acre, 10 acres in all.

Mr. Wills asked; this was just bought.

Mr. Long asked; for clarification, can it be or not be developed?

Mr. Libke answered; he can use it as part of a larger tract.

Mr. Long asked; as part of the other two tracts?

Mr. Libke answered; it is still one tract, there is a large parcel they deducted off pieces of it for the railroad, for Hempridge Road, and what not, and it has created multiple tracts, but it is still part of one tract.

Mr. Long asked; if it were combined to be ten acres?

Mr. Wills answered; if he wanted to build on that particular tract, and that particular portion of land, but kept the tract whole, the ten acres, if he built on that 1.24 acres he still would have to meet the setback requirements.

Mr. Libke answered; yes he would still have to meet the setbacks, and I do not know what is on the other properties, which is part of this piece of land. Is there already a house out there?

Mr. Phillips answered; it is all vacant land.

Mr. Long asked; can that 1.24 acres cannot be sold to another individual?

Mr. Libke answered; he could sell it to an adjoining property owner. There is some tracts if you go just north of this piece, you can see the yellow and the white line to the right of it, up in that triangle area there is smaller tracts in that area right now.

Mr. Wills answered; there is a house that is right above it, that would be something that property owner in the future could buy that to make his tract larger.

Mr. Long asked; did you say this was recently purchased?

Mr. Hagan answered, January 29<sup>th</sup>.

Mr. Wills made a motion to deny

Mr. Hurst seconded the motion.

The vote was as follows:

**YES:** Bolin, Long, Budd, Wills, Hurst

**NO:** None

**ABSTAIN:** None

**ABSENT:** Mayton

**Motion Carried (5-0 denied)**

**Docket #957-12-21 – Variance Request – Vicky Myatt – 98 McMakin McMullen Road, Shelby County, KY**

Vicki Myatt presented the variance request for a 52 feet front yard setback to add a 6' x 30' front porch to be added to the existing house 48 feet from the front property line.

Chairman Anderson asked Ryan if this is a non-conforming structure.

Mr. Libke answered that is correct; it sits 48 feet from the front property line, and the front property line is the center of the road.

Mr. Hurst asked is it 48 feet from the road as it sits now, or after the porch is built?

Mr. Libke answered the house is 54 feet away from the edge of the house. It is a .49 acre tract. So, it is less than a half acre lot.

Mr. Hurst made a motion to approve the variance request.

Mr. Wills seconded the motion.

The vote was as follows:

**YES:** Budd, Bolin, Long, Wills, Hurst

**NO:** None

**ABSTAIN:** None

**ABSENT:** Mayton

#### **Motion Carried (5-0)**

#### **Docket #958-12-21 – Conditional Use Permit & Variance Requests – Kentucky Equine Hospital LLC – 9460 Shelbyville Road, Shelby County, KY.**

Adam Bender, CMW the civil engineer for this project presented the Conditional Use Permit with three variance requests and noted this is an existing equestrian hospital in an agricultural zone. We are asking for the Conditional Use Permit to add the addition. What we are doing is adding roughly 9,000 square feet. We are building in to the property. The hospital is the big red building you see on the left, there is a stable on the right, and there is a brown building and the irrigation is in the building as well. We are adding this one way drive, and a drop off in front of the door on the right hand side of the addition.

There are three variances that we are requesting, two of those are front yard setbacks. There is a 100 front yard setback from both ways, Cold Run Road and Shelbyville Road; and you can see the setbacks on there that kind of creates this little triangle in the middle, there is very little space. We are requesting a front yard setback variance of 52 feet along Shelbyville Road, and a secondary front yard setback of 42 feet along Colt Run Road and you can see the setbacks on here, and a reduction of parking spaces from 55 spaces to 21 spaces. The requirement is for 1 parking space for every 225 square feet. This would put us around 15 four spaces. So, three variances, a conditional use permit, and a waiver.

Mr. Libke we have that request scheduled for the December 21<sup>st</sup> for the planning commission. You do not have the authority to grant those waivers, so, that would be heard by the planning commission, but the variances and the conditional use permit is this board. So, you will be hearing that tonight.

Mr. Wills asked; how many large trucks and trailers average coming in and out in a day's time? I am sure it varies, just for the record.

Mr. Bender answered; three I think.

Ms. Deske asked; can I move closer, I cannot hear, how much additional square footage?

Mr. Bender answered; around 9500, and 10 parking spaces and 1 loading and unloading spaces, and 21 parking spaces including a handicap accessory space, and three residents.

Mr. Wills asked; will you have parking for those trucks and trailers as well, a large space for those to park?

Mr. Bender answered; yes, those spaces are outside of the driveway.

Mr. Wills asked; have you allowed for adequate entrance space to get trucks and trailers in without getting into the grass?

Mr. Bender answered; off of Colt Run Road, there looked like there was some mud in the grass. We are also adding a fence around the area.

Mr. Wills asked; how many employees are there on a typical day?

Chairman Anderson asked, why don't you bring the doctor up here to answer that?

Wesley Sutter answered, right now during the day 12 employees, it is a twenty-four facility, and at night there are two to four, depending on what we do during the day, the number of employees will vary, as far as medical staff.

Mr. Wills asked; is that going to be kind of your maximum?

Mr. Sutter answered, that will probably increase with the addition.

Mr. Sutter answered, probably fifteen.

Jane Deske, 9507 Shelbyville Road, noted I guess I do not understand where the new structure is going on this plan.

Mr. Bender explained where the structure would be. This is going to be an arena with an open structure back here.

Ms. Deske asked is it going to shorten the driveway for Shelbyville Road?

Mr. Libke answered, no.

Mr. Bender The only thing that is going to happen is this building is going to come out here slightly, it is not completely flush with it.

Ms. Deske asked will it interrupt that?

Mr. Bender answered, we are having parking here, and parking over here and kind of put a corner here.

Mr. Libke answered; it looks like 14 or 15 feet, according to the plan.

Ms. Deske noted; there was a horse standing in the driveway and a car pulled up behind it, and could not get around it, and backed out on to Shelbyville Road.

Mr. Bender answered, if you look at the property, we are going to expand this.

Ms. Deske answered; if you do this, just make sure people are not parking out on Shelbyville Road.

Mr. Sowder answered; I live in the area, so I am familiar with the traffic there as well. Could this be a possibility where you could make this a one-way entrance so, you would not have people coming in and out on Colt Run.

Mr. Bender answered; you are exactly right, that is the plan.

Mr. Sowder asked; so, just to clarify for myself, you have already planned for that to be an entrance only and an exit only on the other side?

Mr. Bender answered; yes that is the way it should be right now. We have signs posted saying an entrance here. and we can probably make it even better once we widen the road.

Mr. Sowder asked; so, looking at this drawing, you just mentioned gates, the driveway on the northwest side, you are showing a gate there, am I seeing that right, an automatic slide gate, so how far off the road is that?

Mr. Bender answered about 50 feet?

Mr. Sowder asked; so, if a tractor trailer or a simi is trying to pull in there?

Mr. Bender answered, they would have to get off the road and when they pull up it will automatically open up.

Mr. Sowder asked if you had a semi pull in with horses and they are blocking the road trying to pull in with that gate shut.

Mr. Sowder asked; so, if a semi comes in the evening will that gate be shut. and they got to wait for someone to open it?

Mr. Bender answered, it has a sensor when some gets close.

Mr. Wills asked, so it has a sensor, when someone gets close?

Mr. Sowder, that is my only concern, Ryan is just the space coming off that road.

Mr. Libke answered; this is one of the multiple steps processed for a conditional use permit, because they have to get approval to add the additional square footage to increase the operations there, because it is a conditional permitted use in this zone. So, you are here to review that as well as the variances. We will be going to the planning commission on December 21<sup>st</sup> to review their waiver, and the request for the curb not to put any curb around the new parking and to keep it more rural feeling and allow the sheet flow of storm water and not have to worry about that part of it. There is a development plan process. The planning guy as you noticed has not had any signatures, this a first step drawing of it, they will have to include all the certification from all the agencies to review. So, your fire chief will review this plan and look at it from a fire safety method. You will have the KYTC, Kentucky Transportation Cabinet, permit engineer, who grant entrances off the state rights, they will have to review these entrances and determine if there are any changes needed to them. They might say existing, and they are operating fine. Colt Run is a county road with very little traffic. What they are purposing so far looks good from our county engineer side of it. Yes, and in regards to a gate that would possibly impede a truck to get off the right-of-way, I do believe that is a concern, and I do think the state would have that same concern, and if you all have that same concern, I would recommend that you add a condition in there.

Mr. Long made a motion to approve the conditional use permit & variance requests.

Mr. Sowder added a condition the gate must be located to allow trailers and semis to completely get off US 60, the main entrance from northwest off of US 60.

Mr. Budd seconded the motion.

The vote was as follows:

**YES:** Budd, Bolin, Long, Wills, Hurst

**NO:** None

**ABSTAIN:** None



**ABSENT:** Mayton

**Motion Carried (5-0)**

Meeting adjourned at 8:12 p.m.

Submitted By: Juanita Stivers, Receptionist

Approval Date: \_\_\_\_\_

Motion By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

Secretary/Treasurer: \_\_\_\_\_

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# Triple S Board of Adjustments and Appeals Sign Variance Staff Report



**Date:** December 9, 2021

**Docket Number:** 955-12-21 Sign Variance

**Applicant:** Bulleit Distillery Co.  
3900 Benson Pike, Shelby County, Kentucky

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## **Purpose:**

A request for a sign variance from Article XI, Section 1116.b.2 of the Shelby County Zoning Regulations for the following:

1. A variance request of 238.7 square feet for the existing freestanding sign.

## **Findings Necessary for Granting Variances (KRS 100.243):**

Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

In making these findings, the board shall consider whether:

- The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
- The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
- The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

## **Background:**

The property is located at 3900 Benson Pike in Shelby County, Kentucky. The property is zoned Agricultural. The request is from Article XI, Section 1116.b.2 of the Shelby County Zoning Regulations. The request is for a 238.7 square foot sign variance to allow the existing freestanding to have a total of 270.7 square foot instead of the required 32 square feet.

The Shelby County Zoning Regulations, Article XI –Signs, Section 1116 – Signs Permitted in the Agricultural Districts, subsection b.2 states:

*“One (1) freestanding/monument sign illuminated or non-illuminated for any institutional use allowed in the Agricultural zoning district, veterinarian clinics, recreational facility, agricultural community farm and the production and storage of distilled spirits for human consumption use, not exceeding thirty-two (32) square feet in area and six (6) feet in height. Sign shall be setback a minimum of five (5) feet from all property lines. May include changeable copy signs, not to exceed thirty (30) percent of the sign area.”*

## **Motions**

Motion to **Approve** the **Variance** Request:

I make the motion to **approve** the request at 3900 Benson Pike, Docket number **955-12-21**: a variance of 238.7 square foot sign variance to allow for the 270.7 square foot existing freestanding sign from the required 32 square feet.

The testimony presented in this public hearing has shown that the granting of this variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

**Or**

Motion to **Deny** the **Variance** Request:

I make the motion to **deny** the request at 3900 Benson Pike, Docket number **955-12-21**: a variance of 238.7 square foot sign variance to allow for the 270.7 square foot existing freestanding sign from the required 32 square.

Sufficient testimony has not been presented in this public hearing that the requested variance meets the criteria set forth in KRS 100.243, "Findings necessary for granting variances," as;

**(Choose one or more appropriate finding(s) and specific items)**

- **will** adversely affect the public health, safety or welfare.
- **will** alter the essential character of the general vicinity
- **will** cause a hazard or a nuisance to the public
- **will** allow an unreasonable circumvention of the requirements of the zoning regulations

The proposed application does **not** show the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same;

The proposed application does **not** show the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

The circumstances are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

**Attachments:**

1. Variance Application
2. Site Plan
3. Sign Picture

# Variance Application

Triple S Board of Adjustments and Appeals  
419 Washington Street  
Shelbyville, Kentucky 40065  
Telephone: (502) 633-1718  
www.shelbypz.com

## For Office Use Only:

Docket #: 955-12-21

Date Filed: 11-5-21

Filing Fees: \$ 294.00

Hearing Date: 12-9-21

Please type or print (blue or black ink)

Application Date: \_\_\_\_\_

### Instructions

Applicant must be all owner(s) of the property. Spouse and/or any other parties with legal or equitable interest must join in this application. Use additional sheets, if necessary.

If Applicant/Owner is different than the Developer, provide the Developer's name, address, telephone, and email address

If an attorney represents the applicant, please provide the attorney's name, address, telephone and email address

### Applicant Information

Applicant/Owner name: Keith Curtis  Additional pages attached

Mailing Address: 3900 Benson Pike

City: shelbyville State: KY Zip Code: 40245

Telephone: 502-645-7997 Email: Keith.Curtis@diageo.com

Co-Applicant/Developer Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant's Attorney: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

### Instructions

If an actual street address is not available, identify the property's location along the roadway and distance to intersecting public roadways on each side of the property.

Check appropriate jurisdiction where the property is located

Describe the property's current zoning classification and how the property is presently used

### Property Information

Street Address: 3900 Benson Pike

Lot#/Subdivision Name (if applicable): \_\_\_\_\_

Property Location:

The subject property is located on the  north  south  east  west side of Benson Pike and approximately 1.4  feet  miles

north  east  south  west of Beard Lane

and approximately 2.5  feet  miles  north  south  east

west of Rocket Lane

Jurisdiction:  Shelbyville  Simpsonville  Shelby County

Parcel: 070-00-009A Deed Book/Page #: 601-548 PVA #: \_\_\_\_\_

Existing Zoning: Agricultural

Existing Use: Bourbon Production

Instructions	Variance Description
<p>Describe the requested variance. Specify the use and type of structure (accessory or principal) if applicable. Use additional sheets, if necessary.</p> <p>Check the type of variance requested.</p> <p>Specify the Zoning Regulation provision from which variance is sought.</p> <p>Specify dimension required by the Zoning Regulations and the proposed dimension.</p> <p>If yes, attach copy of the refusal or decision.</p> <p>If yes, specify action type (zone change, conditional use permit, variance, or appeal), application number and date.</p>	<p>Provide a <i>detailed</i> description of the requested variance. Use additional sheets, if necessary. <u>See attached sheet.</u></p> <hr/> <p>Type of variance requested:</p> <p><input type="checkbox"/> Front yard setback <span style="margin-left: 200px;"><input type="checkbox"/> Side yard (right)</span></p> <p><input type="checkbox"/> Secondary front yard setback (corner lots only) <span style="margin-left: 100px;"><input type="checkbox"/> Structure height</span></p> <p><input type="checkbox"/> Rear yard setback <span style="margin-left: 180px;"><input type="checkbox"/> Lot coverage</span></p> <p><input type="checkbox"/> Side yard setback (left) <span style="margin-left: 100px;"><input checked="" type="checkbox"/> Other Specify: <u>Sign</u></span></p> <p>Zoning Regulation provision from which variance is requested: _____ Section: <u>1116, B, 2</u> <u>Article XI</u></p> <p>Required dimension: <u>32 ft<sup>2</sup></u> Proposed dimension: <u>270.7 ft<sup>2</sup></u></p> <p>Is this variance application based on a refusal or decision by the Administrative Official? <span style="margin-left: 100px;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Has this property been subject of previous action by the Board of Adjustment and Appeals or Triple S Planning Commission? <span style="margin-left: 100px;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Action Type : _____ Docket #: _____ Date: _____</p>

Instructions	Variance Justification
<p>Before any variance is granted the Board of Adjustments and Appeals must find that the variance <u>will not</u> (KRS 100.243):</p> <p>(1) Adversely affect the public health, safety, or welfare;</p> <p>(2) Alter the essential character of the general vicinity;</p> <p>(3) Cause a hazard or nuisance to the public; and,</p> <p>(4) Allow an unreasonable circumvention of the requirements of the Zoning Regulations</p>	<p>Provide written justification for the variance (use additional pages, if necessary): <span style="float: right;"><input type="checkbox"/> Additional pages attached.</span></p> <p><u>See attached sheet.</u></p> <hr/> <p>1. Describe the reasons that the requested variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard, or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the Zoning Regulations.</p>

Instructions	Variance Justification (continued)
<p>In making these findings, the Board of Adjustments and Appeals shall consider whether :</p> <p>(1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;</p> <p>(2) The strict application of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and,</p> <p>(3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.</p> <p>The Board of Adjustment and Appeals shall deny any request for a variance arising from circumstances that are the result of willful violations of the Zoning Regulations by the applicant subsequent to the adoption of the Zoning Regulation from which relief is sought.</p>	<p>2. Identify the circumstances that are special to property which do not generally apply to the Land in the general vicinity or in the same zoning classification.</p> <p><i>See attached sheet.</i></p> <p>3. Describe how the strict application of the regulation would deprive you the reasonable use of the property or create an unnecessary hardship.</p> <p><i>See attached sheet.</i></p> <p>4. Specify actions that have been taken subsequent to the adoption of the Zoning Regulations that cause the circumstances for which the variance is sought .</p> <p><i>See attached sheet.</i></p>

**Required Supporting Documentation**

**The following supporting documentation and fees must be submitted with the completed and signed application:**

- 1. Two (2) copies no larger than 24" x 36" and two (2) copies no larger than 11" x 17" of a Development Plan drawn by a land surveyor or engineer noting placement of the structure, location of road(s), parking spaces, loading spaces, utility lines, easements, drainage, landscaping and any other pertinent information .
- 2. A copy of the deed.
- 3. Complete listing of all names and mailing address for all adjoining property owners within, contiguous to, and directly across the street. Adjacent property information shall be obtained from the PVA office.
- 4. Variance filing fee, non-refundable, payable to the Triple S Board of Adjustments and Appeals (see Fee Schedule).

**Applicant/Owner Certification**

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) further certify that I am (we are) the owner(s) of the property for which the variance application is filed or that I (we) have the authority to file this application based on properly executed with the owner of this property. I (We) further hereby certify that as owner(s) of this property proposed for the conditional use, I am (we are) aware of the development plan submitted as part of the application and aware of the variance hearing process under the Zoning Regulations and KRS 100. I (We) further hereby certify that I (we) agree that the filing of this application constitutes an agreement with all owners and other parties having an interest in the subject property, their heirs, successors, and assigns, to comply with the conditions imposed by the Triple S Planning Board of Adjustments and Appeals and the Zoning Regulations.

*These signatures constitute all owners of the subject property necessary to convey fee title, their attorney, or their legally constituted attorney-in-fact. If the signature is of an attorney, then such signature is certification that the attorney represents each and every owner of the affected property.*

Additional pages attached.

Signatures of Applicant & Owners:

Title:

Date:

*Kurt Curtis*

*Asset Care Manager*

*11/02/2021*

**For Office Use Only**

Date Application Received : *11-5-21*

Received by: *G.S.*

Filing Fee Paid: \$ *294.00*  Check# *35372910*  Cash  Other (specify): \_\_\_\_\_

Notice to Newspaper (Date): *11/26/2021 ; 12/1/2021* Adjacent Mailings (Date): *11/24/2021*

Public Hearing (Date) *12-9-21* BOA Meeting (Date): *12-9-21*

BOA Decision: \_\_\_\_\_

- Provide a detailed description of the requested variance. Use additional sheets, if necessary.

Requesting a variance to install a 22'-3" wide by 12'-2" tall sign located approximately 50' south of the existing barn facing Benson Pike and set back approximately 150' north of Benson Pike. The sign will read "Bulleit Distilling Co." and will be colored orange with black text.

- Provide written justification for the variance (use additional pages, if necessary):

The sign will display the presence of the "Bulleit Distilling Co." on the property.

1. Describe the reasons that the requested variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard, or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the Zoning Regulations.

The variance will not affect the public health, safety, or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or nuisance to the public.

2. Identify the circumstances that are special to property which do not generally apply to the Land in the general vicinity or in the same zoning classification.

The property is home to the Bulleit Distilling Co., a manufacturing facility which produces and ages bourbon whisky.

3. Describe how the strict application of the regulation would deprive you the reasonable use of the property or create an unnecessary hardship.

The sign will violate Section 1116, B, 2 of Article XI Sign Regulations. The sign will measure 270.7 square feet, and Section 1116, B, 2 requires signs to not exceed thirty-two square feet in area and six feet in height.

4. Specify actions that have been taken subsequent to the adoption of the Zoning Regulations that cause the circumstances for which the variance is sought.

None.



**LINE TABLE**

L1	N103°42'27"E	40.00'
L2	N78°01'56"W	40.77'
L3	N18°07'10"E	154.03'
L4	N38°05'24"E	88.89'
L5	N42°44'42"E	57.85'
L6	N48°23'23"E	133.48'
L7	N55°45'34"E	66.80'
L8	N75°25'17"E	21.51'
L9	N24°08'44"E	52.95'
L10	S84°05'19"E	140.32'
L11	N21°21'52"E	82.45'
L12	N26°28'07"W	76.84'
L13	N51°23'03"W	60.09'
L14	N49°23'41"W	47.85'
L15	N17°37'25"W	33.40'
L16	N15°08'22"E	85.19'
L17	N70°42'12"E	161.03'
L18	N55°58'43"E	145.78'
L19	N78°16'21"E	113.78'
L20	N83°22'18"E	134.12'
L21	N85°43'09"E	182.82'
L22	N04°28'30"E	126.33'
L23	N75°18'04"W	158.46'
L24	N84°32'31"W	144.64'
L25	S78°16'38"W	293.65'
L26	S89°02'43"W	105.19'
L27	N75°25'25"W	46.81'
L28	N43°11'20"W	24.39'
L29	N12°38'31"W	85.70'
L30	N03°22'27"W	66.15'
L31	N02°41'26"E	87.44'
L32	N36°47'58"W	38.09'
L33	N08°53'03"E	77.22'
L34	N18°53'29"W	81.37'
L35	N07°13'53"W	72.59'
L36	N19°45'05"W	134.64'
L37	N82°44'18"E	132.02'
L38	N78°01'16"E	142.45'
L39	N61°37'25"W	85.17'
L40	N70°48'12"W	85.54'
L41	N75°18'35"W	63.42'
L42	N83°22'03"W	37.30'
L43	N28°04'08"W	14.41'
L44	N17°41'48"E	41.89'
L45	N47°50'59"E	127.55'
L46	N51°15'58"E	85.33'
L47	N48°16'42"E	93.58'
L48	N55°43'11"E	132.51'
L49	N54°40'16"E	54.48'
L50	N40°03'14"E	144.15'
L51	N29°07'57"E	153.72'
L52	N27°43'45"E	142.25'
L53	N45°39'41"E	83.32'
L54	N28°43'27"E	103.14'
L55	N25°11'55"E	80.18'
L56	N28°47'55"E	59.42'
L57	S87°33'55"E	81.42'
L58	S70°37'33"E	41.23'
L59	N78°10'33"E	61.61'
L60	N26°40'52"E	76.45'
L61	N10°39'22"E	54.76'
L62	N88°36'32"E	142.73'
L63	N53°27'13"E	51.21'
L64	N83°21'16"E	59.51'
L65	N40°58'19"E	138.59'
L66	N57°45'26"E	169.16'
L67	N37°05'48"E	136.11'
L68	N51°31'10"E	110.07'
L69	S75°09'46"E	55.50'
L70	S46°38'06"E	74.04'
L71	S38°56'10"E	87.88'
L72	S37°34'4"E	118.74'
L73	S20°51'10"E	107.63'
L74	S43°21'38"E	62.39'
L75	N58°38'52"E	88.88'
L76	N42°57'48"E	43.68'
L77	S82°40'25"E	23.38'
L78	S52°16'24"E	55.20'
L79	S42°27'11"E	93.48'
L80	S44°07'57"E	104.97'
L81	S42°12'20"E	48.38'
L82	S34°26'35"E	223.66'
L83	S57°44'10"E	250.84'
L84	S42°56'43"E	145.00'
L85	S33°23'58"E	79.37'
L86	S04°49'10"W	63.74'
L87	S72°44'27"E	82.74'
L88	N54°42'45"E	71.33'
L89	S53°47'25"E	187.62'
L90	S54°53'33"E	189.32'
L91	S78°43'57"E	106.64'
L92	N57°17'47"E	109.73'
L93	N82°38'00"E	45.45'
L94	N65°30'32"E	128.82'
L95	N54°40'32"E	84.58'
L96	N72°33'03"E	17.43'
L97	S55°01'51"E	18.85'
L98	S44°38'19"E	31.52'
L99	S16°33'00"E	70.60'
L100	S10°07'41"E	49.61'
L101	S45°24'30"E	87.42'
L102	N85°25'16"E	72.60'
L103	S28°42'24"E	208.62'
L104	S71°19'31"W	38.83'
L105	S23°28'32"E	182.39'
L106	N85°02'38"E	68.74'
L107	N13°58'24"E	122.62'
L108	S70°17'37"E	91.39'

**FREE PRODUCTION CERTIFICATE**  
I hereby certify that the development plan herein meets requirements of the zoning and covenants.

**CERTIFICATE FOR DRAINAGE DESIGN APPROVAL**  
I hereby certify that the proposed drainage system, as shown on the Development Plan, is adequate for proper drainage without unduly injury to adjacent property to the adjacent property.

**HYDRAULIC STUDY/ANALYSIS CERTIFICATE**  
I hereby certify that the hydraulic analysis herein meets the requirements of the zoning and covenants and that the proposed drainage system is adequate for proper drainage without unduly injury to adjacent property to the adjacent property.

**CERTIFICATE OF ACCURACY**  
I hereby certify that the survey was made by me or under my direct supervision and control and that the survey was made in accordance with the provisions of the laws of this State.

**CERTIFICATE OF EARLY WARNING SYSTEM**  
I hereby certify that the early warning system herein meets the requirements of the zoning and covenants and that the proposed system is adequate for proper drainage without unduly injury to adjacent property to the adjacent property.

**CERTIFICATE OF APPROVAL**  
I hereby certify that the development plan has been approved by the Board of Planning and Zoning and is in compliance with the zoning and covenants.

**COMMISSIONER OF PUBLIC PLANNING COMMISSION**

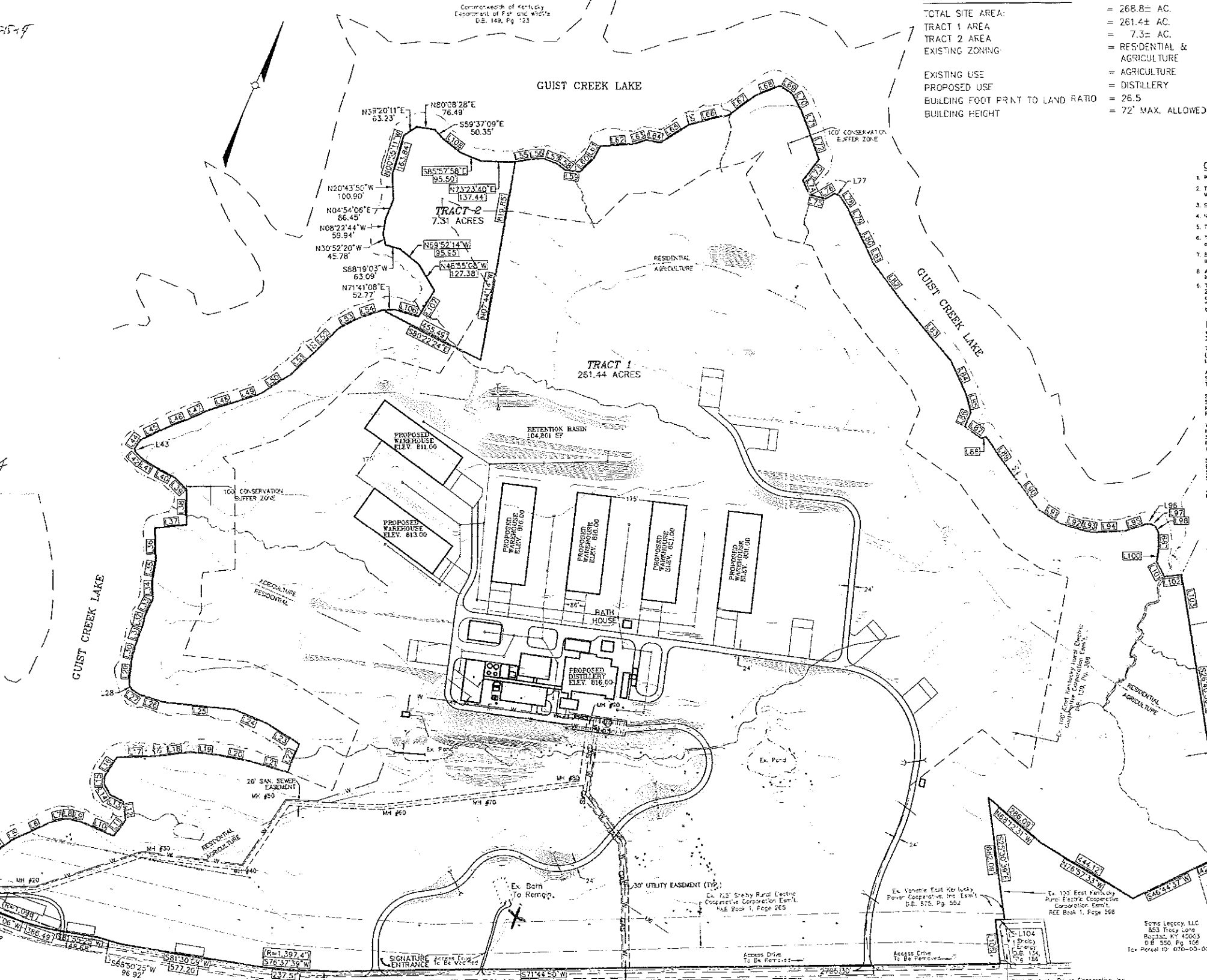
**CERTIFICATE OF OWNERSHIP**  
I hereby certify that I (we) are the owner(s) of the property shown herein and that I (we) own the same in fee simple and that I (we) own the same in fee simple and that I (we) own the same in fee simple.

**LIGHT, NOISE, AND ODOR CERTIFICATE**  
I (we) certify that the development proposed in this plan complies with the light, noise, and odor provisions of the zoning and covenants.

**STATE ROADWAY ENTRANCE CERTIFICATE**  
I hereby certify that the proposed development complies with the provisions of the State Roadway Entrance Act, Chapter 189, R.S., and that the proposed development complies with the provisions of the State Roadway Entrance Act, Chapter 189, R.S., and that the proposed development complies with the provisions of the State Roadway Entrance Act, Chapter 189, R.S.

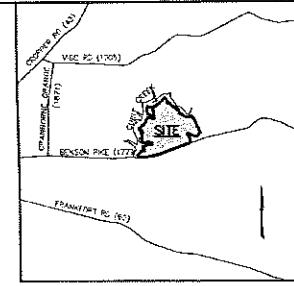
**LEGEND**

- Utility Pole
- Overhead Utility Lines
- Unmarked Property Corner
- Set 1/2" by 8" Iron Pin with Cap Elevation "XXX 3492"



**PROJECT DATA:**

TOTAL SITE AREA:	= 268.8± AC.
TRACT 1 AREA:	= 261.4± AC.
TRACT 2 AREA:	= 7.3± AC.
EXISTING ZONING:	= RESIDENTIAL & AGRICULTURE
EXISTING USE:	= AGRICULTURE
PROPOSED USE:	= DISTILLERY
BUILDING FOOT PRNT TO LAND RATIO:	= 26.5
BUILDING HEIGHT:	= 72' MAX. ALLOWED



**GENERAL NOTES:**

- Parking areas and drive areas to be hard and durable surface.
- The site is within Zone A of the 100 year flood plain per FIRM No. 13050-02010000, dated September 3, 2009.
- State Highway encroachment permit will be required for the entrance.
- No increase in storage run off to state roadways.
- There shall be no commercial signs in the Right-of-Way.
- There shall be no landscaping in the Right-of-Way without an encroachment permit.
- The lighting shall not shine in the eyes of drivers if it does it shall be re-oriented, shielded, or turned off.
- An encroachment permit and bond will be required for all work done in the Right-of-Way.
- The limits of land shown herein are located in an Agricultural Zone and will be subject to normal Agricultural activities or, cropping forms which include those associated with production of raw state products, operations of Agricultural theme and the noise associated with normal farming practice.

**EROSION PREVENTION AND SEDIMENT CONTROL NOTES**

THE APPROVED EROSION PREVENTION AND SEDIMENT CONTROL (EPSC) PLAN SHALL BE IMPLEMENTED PRIOR TO ANY LAND-DISTURBING ACTIVITY OF THE CONSTRUCTION SITE.

ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS SOIL TRACKED ONTO THE ROADWAY SHALL BE REMOVED DAILY.

SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, POND, SWALES AND CATCH BASINS. STOCKPILES SHALL BE SEEDED, MULCHED, AND ADEQUATELY CONTAINED THROUGH THE USE OF SILT FENCE.

WHERE CONSTRUCTION OR LAND DISTURBANCE ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF A SITE TEMPORARY SOIL STABILIZATION MEASURES SHALL BE REQUIRED AS SOON AS PRACTICABLE, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.

SEDIMENT-LADEN GROUNDWATER ENCOUNTERED DURING TRENCHING, EXCAVATION OR OTHER EXCAVATION ACTIVITIES SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISCHARGED INTO A STREAM, POND, SWALE OR CATCH BASIN.

ALL STORM DRAINAGE IS TO CONFORM TO KY EPA BEST MANAGEMENT PRACTICES.

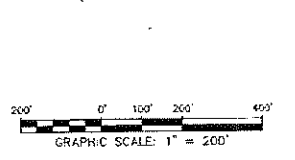
**STORM NOTE:**

ALL STORM PITS TO BE EITHER PVC, HDPE OR APPROVED EQUIV. UNLESS OTHERWISE INDICATED ON PLANS, INSTALL PER MANUFACTURER'S RECOMMENDATIONS, USE ALL APPROPRIATE FITTINGS AND CONNECTORS AT STORM STRUCTURES.

**UTILITY NOTE:**

ALL LOCATIONS OF UNDERGROUND UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. CONTRACTOR TO FIELD VERIFY LOCATION OF ALL UTILITIES AND COORDINATE WITH ALL THE UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION.

BENSON PIKE 60'R/W (KY HIGHWAY 1779)



**SURVEYOR'S STAMP**  
DAVID B. WICKLER  
REGISTERED LAND SURVEYOR  
COMMONWEALTH OF KENTUCKY

**ENGINEER'S STAMP**  
ERO & SEGI  
PE-2178  
REGISTERED PROFESSIONAL ENGINEER  
COMMONWEALTH OF KENTUCKY

PREPARED BY  
FLUOR ENTERPRISES INC  
8360 FLEMING BLVD, SUITE 1000  
CHANNING, KY 40302  
704-516-3831

PREPARED BY  
LAND DESIGN & DEVELOPMENT, INC.  
603 WASHINGTON AVE., SUITE 101, LOUISVILLE, KY 40202  
PHONE: (502) 486-8974  
FAX: (502) 486-9776

**FINAL PLAN**  
OF  
**DIAGEO DISTILLERY AND WAREHOUSES**  
(SHEET 1 OF 1)  
"DEED BOOK 547, PAGE 523"  
"DEED BOOK 575, PAGE 523"

DATE: 5/29/14



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# Triple S Board of Adjustments and Appeals Variance Staff Report



**Date:** January 27, 2022

**Docket Number:** 959-1-22 Variance

**Applicant:** Larry K. & Deborah A. Fralick  
69 Zaynate Court, Shelby County, Kentucky

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## **Purpose:**

A request for a side yard setback variance of five (5) feet for a proposed single family dwelling.

## **Background:**

The property is located at 69 Zaynate Court (Persimmon Ridge Section 16, Lot 352) is zoned Agricultural with PUD designation. The applicant is requesting a side yard setback variance of five (5) feet for to construct a single family dwelling. The request is from Section 652.4 of the Shelby County Zoning Regulations. With property being zoned Agricultural with PUD designation the required side yard setback is 10 feet. This request would allow the single family dwelling to sit five (5) feet from the side property line. The applicant mentions in the variance application due to the placement of the sewer easement, they are limited to where the dwelling can sit. Also to have a driveway turnaround that is large enough to access the side entry garage.

## **Findings Necessary for Granting Variances (KRS 100.243):**

- (1) Before any variance is granted, the board must find that the granting of the variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
  - The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.
  - The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.
  - The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- (2) The board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

## **Motions**

Motion to **Approve** the **Variance** Request:

I make the motion to **approve** the request at 69 Zaynate Court, Docket number **959-1-22**: a variance of five (5) feet from the minimum side yard setback of twenty-five (25) feet, for the side yard setback to be five (5) feet for the proposed single family dwelling.

The testimony presented in this public hearing has shown that the granting of this variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Or

Motion to **Deny** the **Variance** Request:

I make the motion to **deny** the request at 69 Zaynate Court, Docket number **959-1-22**: a variance of five (5) feet from the minimum side yard setback of twenty-five (25) feet, for the side yard setback to be five (5) feet for the proposed single family dwelling.

Sufficient testimony has not been presented in this public hearing that the requested variance meets the criteria set forth in KRS 100.243, "Findings necessary for granting variances," as;

**(Choose one or more appropriate finding(s) and specific items)**

- **will** adversely affect the public health, safety or welfare.
- **will** alter the essential character of the general vicinity
- **will** cause a hazard or a nuisance to the public
- **will** allow an unreasonable circumvention of the requirements of the zoning regulations

The proposed application does **not** show the requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same;

The proposed application does **not** show the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

The circumstances are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulations from which relief is sought.

**Attachments:**

1. Variance Application
2. Site Plans



# Variance Application

**Triple S Board of Adjustments and Appeals**  
 419 Washington Street  
 Shelbyville, Kentucky 40065  
 Telephone: (502) 633-1718  
 www.shelbypz.com

*For Office Use Only:*

Docket #: 959-1-22  
 Date Filed: 12/17/2021  
 Filing Fees: \$ 210.00  
 Hearing Date: 01/27/2022

Please type or print (blue or black ink)

Application Date: \_\_\_\_\_

### Instructions

Applicant must be all owner(s) of the property. Spouse and/or any other parties with legal or equitable interest must join in this application. Use additional sheets, if necessary.

If Applicant/Owner is different than the Developer, provide the Developer's name, address, telephone, and email address

If an attorney represents the applicant, please provide the attorney's name, address, telephone and email address

### Applicant Information

Applicant/Owner name: Larry K and Deborah A Fralick  Additional pages attached

Mailing Address: 5416 Cross Creek Drive

City: Crestwood State: Ky. Zip Code: 40014

Telephone: 502-432-4808 Email: larryfralick@kingcorporategroup.com

Co-Applicant/Developer Name: Lawren Just

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: 502-419-4797 Email: lajust@persimmonridgedevelopment.com

Applicant's Attorney: None

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

### Instructions

If an actual street address is not available, identify the property's location along the roadway and distance to intersecting public roadways on each side of the property.

Check appropriate jurisdiction where the property is located

Describe the property's current zoning classification and how the property is presently used

### Property Information

Street Address: Zayne Court, Shelbyville Ky. 40065

Lot#/Subdivision Name (if applicable): Lot 352 Section 16, Persimmon Ridge Subdivision

Property Location:

The subject property is located on the  north  south  east  west side of \_\_\_\_\_ and approximately \_\_\_\_\_  feet  miles

north  east  south  west of \_\_\_\_\_

and approximately \_\_\_\_\_  feet  miles  north  south  east

west of \_\_\_\_\_

Jurisdiction:  Shelbyville  Simpsonville  Shelby County

Parcel: \_\_\_\_\_ Deed Book/Page #: 681 Page 437 PVA #: \_\_\_\_\_

Existing Zoning: AGRICULTURAL

Existing Use: Lot to build single family home.

Instructions	Variance Description
<p>Describe the requested variance. Specify the use and type of structure (accessory or principal) if applicable. Use additional sheets, if necessary.</p> <p>Check the type of variance requested.</p> <p>Specify the Zoning Regulation provision from which variance is sought.</p> <p>Specify dimension required by the Zoning Regulations and the proposed dimension.</p> <p>If yes, attach copy of the refusal or decision.</p> <p>If yes, specify action type (zone change, conditional use permit, variance, or appeal), application number and date.</p>	<p>Provide a <i>detailed</i> description of the requested variance. Use additional sheets, if necessary.</p> <p>Due to the placement of the sewer easement, we are limited to where the house can sit and have a driveway turnaround that is large enough to access the side entry garage. We are requesting a variance to reduce the 10' easement on the left to 5'.</p> <hr/> <p>Type of variance requested:</p> <p><input type="checkbox"/> Front yard setback <span style="margin-left: 200px;"><input type="checkbox"/> Side yard (right)</span></p> <p><input type="checkbox"/> Secondary front yard setback (corner lots only) <span style="margin-left: 100px;"><input type="checkbox"/> Structure height</span></p> <p><input type="checkbox"/> Rear yard setback <span style="margin-left: 200px;"><input type="checkbox"/> Lot coverage</span></p> <p><input checked="" type="checkbox"/> Side yard setback (left) <span style="margin-left: 100px;"><input type="checkbox"/> Other Specify: _____</span></p> <p>Zoning Regulation provision from which variance is requested: _____ Section: _____</p> <p>Required dimension: <u>10 foot</u> Proposed dimension: <u>5 foot</u></p> <p>Is this variance application based on a refusal or decision by the Administrative Official? <span style="margin-left: 150px;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Has this property been subject of previous action by the Board of Adjustment and Appeals or Triple S Planning Commission? <span style="margin-left: 100px;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>Action Type : _____ Docket #: _____ Date: _____</p>

Instructions	Variance Justification
<p>Before any variance is granted the Board of Adjustments and Appeals must find that the variance <b>will not</b> (KRS 100.243):</p> <p>(1) Adversely affect the public health, safety, or welfare;</p> <p>(2) Alter the essential character of the general vicinity;</p> <p>(3) Cause a hazard or nuisance to the public; and,</p> <p>(4) Allow an unreasonable circumvention of the requirements of the Zoning Regulations</p>	<p>Provide written justification for the variance (use additional pages, if necessary):</p> <p style="text-align: right;"><input checked="" type="checkbox"/> Additional pages attached.</p> <p>Due to the placement of the sewer easement, we are limited to where the house can sit and have a driveway turnaround that is large enough to access the side entry garage. We are requesting a variance to reduce the 10' easement on the left to 5'.</p> <hr/> <p>1. Describe the reasons that the requested variance will not adversely affect the public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard, or nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the Zoning Regulations.</p> <p>The house plans will still meet all building requirements per Persimmon Ridge Subdivision regulations and restrictions.</p>

Instructions	Variance Justification (continued)
<p>In making these findings, the Board of Adjustments and Appeals shall consider whether :</p> <p>(1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;</p> <p>(2) The strict application of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and,</p> <p>(3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.</p> <p>The Board of Adjustment and Appeals shall deny any request for a variance arising from circumstances that are the result of willful violations of the Zoning Regulations by the applicant subsequent to the adoption of the Zoning Regulation from which relief is sought.</p>	<p>2. Identify the circumstances that are special to property which do not generally apply to the Land in the general vicinity or in the same zoning classification.</p> <p>The sewer lines on the lot limit where the house can be built, and still m</p> <p>3. Describe how the strict application of the regulation would deprive you the reasonable use of the property or create an unnecessary hardship. <span style="float: right;">+</span></p> <p>There will not be sufficient driveway turnaround for a side entry garage.</p> <p>4. Specify actions that have been taken subsequent to the adoption of the Zoning Regulations that cause the circumstances for which the variance is sought .</p>

**Required Supporting Documentation**

**The following supporting documentation and fees must be submitted with the completed and signed application:**

- 1. Two (2) copies no larger than 24" x 36" and two (2) copies no larger than 11" x 17" of a Development Plan drawn by a land surveyor or engineer noting placement of the structure, location of road(s), parking spaces, loading spaces, utility lines, easements, drainage, landscaping and any other pertinent information .
- 2. A copy of the deed.
- 3. Complete listing of all names and mailing address for all adjoining property owners within, contiguous to, and directly across the street. Adjacent property information shall be obtained from the PVA office.
- 4. Variance filing fee, non-refundable, payable to the Triple S Board of Adjustments and Appeals (see Fee Schedule).

**Applicant/Owner Certification**

I (We) do hereby certify that the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand that any inaccuracies may be considered just cause for invalidation of this application and any action taken on this application. I (We) further certify that I am (we are) the owner(s) of the property for which the variance application is filed or that I (we) have the authority to file this application based on properly executed with the owner of this property. I (We) further hereby certify that as owner(s) of this property proposed for the conditional use, I am (we are) aware of the development plan submitted as part of the application and aware of the variance hearing process under the Zoning Regulations and KRS 100. I (We) further hereby certify that I (we) agree that the filing of this application constitutes an agreement with all owners and other parties having an interest in the subject property, their heirs, successors, and assigns, to comply with the conditions imposed by the Triple S Planning Board of Adjustments and Appeals and the Zoning Regulations.

*These signatures constitute all owners of the subject property necessary to convey fee title, their attorney, or their legally constituted attorney-in-fact. If the signature is of an attorney, then such signature is certification that the attorney represents each and every owner of the affected property.*

Additional pages attached.

Signatures of Applicant & Owners:

Title:

Date:

Samuel Frank

OWNER

12-15-2021

Debbie Frank

OWNER

12-15-21

**For Office Use Only**

Date Application Received : 12/17/2021 Received by: RKC

Filing Fee Paid: \$ 210.00  Check# 208  Cash  Other (specify): \_\_\_\_\_

Notice to Newspaper (Date): 1/14/2022 Adjacent Mailings (Date): 1/12/2022

Public Hearing (Date) 1-27-2022 BOA Meeting (Date): 1-27-2022

BOA Decision: \_\_\_\_\_



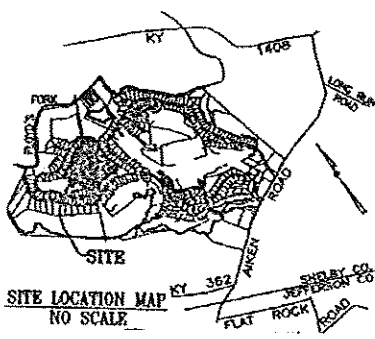
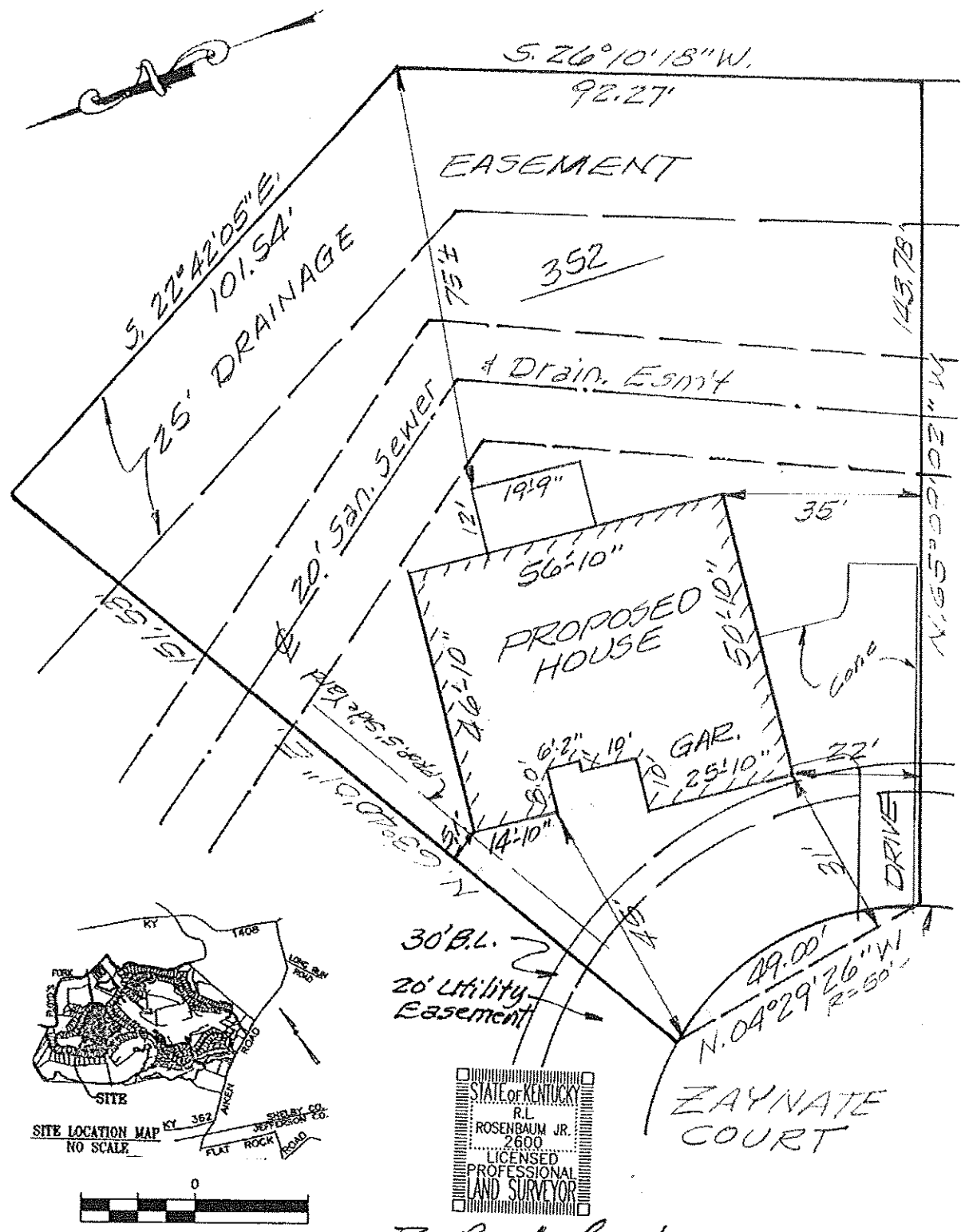
**Variance Justification – Lot 352, Zaynate Court**

We have designed a house plan that will meet the minimum building requirements for Persimmon Ridge Subdivision, however, we are restricted in where the house must sit to meet all easement requirements due to the placement of the sewer line in this lot. As a result, there is not sufficient space for a driveway turnaround into a side entry garage. Currently there is only 18 feet for a driveway turnaround, but when you take away 2 feet for the retaining wall that will need to be built on the right side property line that will leave only 16 feet at the front of the house for a turnaround.

We are requesting a 5 foot variance on the left side of the lot, which when the house is shifted to the left that will give us a 22 feet on the right side of the house. With the 2 foot taken away for the retaining wall that will leave us with a 20 foot driveway turnaround to make entering and exiting the garage possible.

The Persimmon Ridge Covenants allow only side entry garages, and with ours being one of the last houses to be built our variance request for a front garage entry was denied.

REVISED HOUSE PLACEMENT



STATE OF KENTUCKY  
 R.L. ROSENBAUM JR.  
 2600  
 LICENSED PROFESSIONAL LAND SURVEYOR

R.L. Rosenbaum 12-10-21

# SITE PLAN

THIS IS NOT A BOUNDARY SURVEY AND IS NOT A RECORDABLE DOCUMENT.

No Lots are located within a 100 year Flood Hazard Area. Zone X per Flood Insurance Rate Map (FIRM) number 21211 0025 C effective date September 2, 2009.  
 This tract shown on this plat is subject to all easements, right-of-ways, and restrictions visually apparent and of record

For: DEBBIE FRALICK  
 Location: LOT # 352  
PERSIMMON RIDGE SUBD Ph. 10  
B.C. 9, Pg. 33 Shelby Co.  
 Scale: 1" = 20' Date: Dec. 10<sup>th</sup> '21

**C. R. P. & ASSOCIATES, INC.**  
 7321 New LaGrange Rd, Suite 111  
 Louisville, KY 40222  
 (502) 423-8747 • Fax (502) 429-0602

